CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA

JAN 2 3 2008

IN THE UNITED STATES DISTRICT COURT	
FOR THE WESTERN DISTRICT OF VIRGINIA	
ROANOKE DIVISION	

SHAUN A. GOODE, Petitioner,) Civil Action No. 7:07-cv-00508
v.) <u>FINAL ORDER</u>
WARDEN OF WALLENS RIDGE STATE PRISON, Respondent.	 By: Hon. James C. Turk Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that the motion to dismiss is GRANTED, this petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** as untimely, petitioner's request for appointment of counsel to assist him in this case is **DENIED** as moot,³ and that this action is stricken from the active docket of this court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner.

ENTER: This 23th day of January, 2008.

Senior United States District Judge

³The court has the discretion to appoint counsel in a § 2254 action only upon finding that "the interests of justice so require." <u>See</u> Criminal Justice Act, 18 U.S.C. § 3006A(a)(2)(B). As the court finds that this petition was not timely filed, the court cannot find that the interests of justice require appointment of counsel.